IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13535 of 2005

Between:

T. Bangar Raju S/o. Late T.V. Raju
R/o. G1, HIG 459, CVR Plaza KPHB Colony
Phase-6, Kukatpally Hyderabad.

..... PETITIONER

AND

1 The Director General of Police Govt. of A.P
Lakdikapool Hyderabad.
2 The Commissioner of Police Cyberabad Commissioner
Lakdikapool Hyderabad.
3 The Circle Inspector of Police Madapur Police Station
Guttalabegumpet R.R.District.
4 The Station House Officer Madapur Police Station
Guttalabegumpet R.R.District.
5 Smt. G. Sujatha W/o. G. Pattabhirama Raju
R/o.B116, Santibagh Apts Begumpet
Hyderabad.
6 G. Pattabhirama Raju S/o. Late G. Ramachandar Raju
Central Designs Organistaion of A.P, Dept. of Irrigation and CAD, Govt. of A.P R/o.B116, Santibagh Apts., Begumpet, Hyderabad.
7 The Superintendent IX Metropolitan Magistrate Court
Cyberabad Kukatpally
R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent police in not regtistering the FIR

against the 5th and 6th respondent herein as directed by the IX Metropolitan Magistrate Court, Cyberabad, Kukatpally in C.C.S.R.No.743/2005, dt.16-5-2005 on the other hand the respondent police harrased the petitioner herein to compromise the matter with respondent No.5 and 6 herein, otherwise the consequences are very serious is illegal and void and opposed to Article 14,19 and 21 of the constitution of India and consequently direct the respondent police to register the FIR as directed by the Criminal Court under sec.156(3) Cr.P.C., dt.16-5-2005 and take action against the 5th and 6th respondent herein and also punish the respondent police who are responsible for disobedience of the Hon'ble Court directions by awarding compensation to the petitioner herein and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court, at the stage of admission, made the following :

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ORAL ORDER

The singular complaint in this writ petition is that despite the order of the IX Metropolitan Magistrate, Cyberabad, Kukatpally in C.C.SR.No.743 of 2005 dated 16-05-2005 to register the petitioner's complaint, the 4th respondent-Station House Officer, Madhapur Police Station, Guttalabegumpet, Ranga Reddy District has not taken any action. It is the case of the petitioner that a written complaint dated 20-04-2005 was made by the petitioner against the 5th and 6th respondents to the 4th respondent, which was endorsed by the 2nd respondent and referred to the 4th respondent. Despite the complaint, the 3rd and 4th respondents did not initiate any action. There upon the petitioner moved the Criminal Court under Section 200 of the Code of Criminal Procedure,1973 requesting referral of the complaint to the 3rd and 4th respondents. On 16-05-2005 the Criminal Court directed the Police to register a First Information Report and investigate the same and to file a report to the Court on 31-05-2005. According to the petitioner the order was dispatched on 17-05-2005, received by the 4th respondent on 18-05-2005. Thereafter the petitioner was continuously going to the police station requesting that the F.I.R be registered. The 3rd and 4th respondents are pleaded to have responded that they are busy with some event or the other and after ten days the respondents threatened the petitioner to settle the matter with 5th and 6th respondents and not to insist to register the FIR. It is specifically alleged that from 31-05-2005 the respondent-police are sending constables to the petitioner's house, harassing him to come to the police station and settle the matter with respondent Nos.5 and 6 failing which the petitioner would face dire consequences, according to the petitioner as stated in paragraph 4. In view of the threats by the police he is not going to his residence

and staying in a relatives house. On these and other allegations the writ petition is filed for appropriate relief.

The 4th respondent alone has filed a counter-affidavit responding to the several allegations, some of which have been recorded supra. The answering respondent would state that though the Court had referred the petitioner's complaint for its registration on 16-05-2005 due to misplacement of the bundle the answering respondent could not register the complaint immediately and when sensitized about the seriousness of the matter by the Government Pleader, hectic efforts were made to trace the file, the file was traced and registered as Crime No.186 of 2005 under Sections.406,420,506,419 and 120-B of the Indian Penal Code,180 on 28-06-2005. The answering respondent does not deny the specific averments of the petitioner that from 18-05-2005 on every day he was going to the police station for about ten days requesting registration of FIR. It is not the privilege of the answering respondent to wait for being sensitized by the learned Government Pleader of the High Court as to the seriousness of the matter. Once the Criminal Court of competent jurisdiction had directed the answering respondent to register the FIR, he was duty bound if he wanted to continue in public office to have obeyed command of the Court of competent jurisdiction. In this he has failed abysmally. The reasons stated for the delay in registering FIR are jejune and do not carry conviction. The failure of the answering respondent to have registered the complaint despite the directive of the criminal Court, *prima facie* constitutes gross abdication of official responsibility that perhaps is appropriate for initiating disciplinary proceedings. It is for the 2nd respondent to consider whether such conduct of the 3rd and 4th respondents required a departmental enquiry. As the petitioner's legal rights have been irrationally and inexcusably been infringed by the 3rd and 4th respondents, the petitioner is entitled to some measure of public law damages. As the petitioner's complaint has now been registered, this Court however finds no justification for any further directions.

In the circumstances the writ petition is disposed of recording the fact that the FIR has now been registered, but with costs quantified at Rs.2,500/-(Rupees two thousand and five hundred only) payable by the 3rd and 4th respondents to the petitioner within two(2) weeks from today. A copy of this order be communicated to the Chief Secretary to the Government for appropriate administrative consideration.

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GODA RAGHURAM,J

6TH JULY 2005

*TSNR

To

1 The Director General of Police Govt. of A.P
Lakdikapool Hyderabad.
2 The Commissioner of Police Cyberabad Commissioner
Lakdikapool Hyderabad.
3 The Circle Inspector of Police Madapur Police Station
Guttalabegumpet R.R.District.
4 The Station House Officer Madapur Police Station
Guttalabegumpet R.R.District.
5 The Superintendent, IX Metropolitan Magistrate Court
Cyberabad Kukatpally
R.R.District.

6. Two CCS to G.P for Home, High Court Buildings, Hyderabad(OUT)

7. The Chief Secretary to Government, Government of Andhra Pradesh,
Secretariat, Hyderabajd.

8. Two C.D.Copies.